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**UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA**

JUAN M. ALCARAZ,

*Petitioner,*

vs.

BRIAN WILLIAMS, *et al.*,

*Respondents.*

2:13-cv-00818-JCM-PAL

ORDER

15 Following upon the court's prior order directing substitution of counsel,

16 IT IS ORDERED that Gia A McGillivray, Esq., 8275 S. Eastern Ave, Suite 200, Las  
17 Vegas, NV 89123, (702) 406-940, is appointed as counsel for petitioner pursuant to 18 U.S.C.  
18 § 3006A(a)(2)(B). Counsel will represent petitioner in all federal proceedings related to this  
19 matter, including any appeals or *certiorari* proceedings, unless allowed to withdraw.

20 IT FURTHER IS ORDERED that petitioner shall have until up to and including **one**  
21 **hundred twenty (120) days** from entry of this order within which to file an amended petition  
22 and/or seek other appropriate relief. Neither the foregoing deadline nor any extension thereof  
23 signifies or will signify any implied finding as to the expiration of the federal limitation period  
24 and/or of a basis for tolling during the time period established. Petitioner at all times remains  
25 responsible for calculating the running of the federal limitation period and timely asserting  
26 claims, without regard to any deadlines established or extensions granted herein. That is, by  
27 setting a deadline to amend the petition and/or by granting any extension thereof, the court  
28 makes no finding or representation that the petition, any amendments thereto, and/or any

1 claims contained therein are not subject to dismissal as untimely. See *Sossa v. Diaz*, 729  
2 F.3d 1225, 1235 (9th Cir. 2013).


3 IT FURTHER IS ORDERED that respondents shall file a response to the amended  
4 petition, including potentially by motion to dismiss, within **sixty (60) days** of service of an  
5 amended petition and that petitioner may file a reply thereto within **thirty (30) days** of service  
6 of the answer. The response and reply time to any motion filed by either party, including a  
7 motion filed in lieu of a pleading, shall be governed instead by LR 7-2(b) of the local rules.

8 IT FURTHER IS ORDERED that the remaining provisions in the court's prior  
9 scheduling order, in ECF No. 39, at 2-3, with regard to the assertion of defenses, the filing of  
10 exhibits, and the delivery of hard copies of exhibits to the Reno clerk's office remain in full  
11 force and effect

12 Following entry of Ms. McGillivray as counsel of record on the docket, the clerk of court  
13 shall provide counsel, upon her request, with a single set of electronic copies of all prior filings  
14 herein in a manner consistent with the clerk's current practice, such as regeneration of notices  
15 of electronic filing.

16 The clerk further shall send a copy of this order to the petitioner in proper person at the  
17 last institutional address in the record and reflect said transmittal either via the notice of  
18 electronic filing or on the docket, in a manner consistent with the clerk's current practice.

19 DATED: October 25, 2017.

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24 JAMES C. MAHAN  
25 United States District Judge  
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